

REMARKS

By virtue of this amendment, claims 20-37, 39, 40, and 43-47 are pending in the application. Claims 1-19, 38, 41, and 42 have been canceled, without disclaimer or prejudice for cost reasons, and claims 43-47 have been added. The applicants respectfully submit that no new matter has been added by virtue of this amendment. Claims 1-19, 38, 41, and 42 were previously withdrawn from consideration pursuant to a restriction requirement. Those claims have been officially canceled from the present application without disclaimer or prejudice. New claims 43-47 have been added to the application. New claims 43-47 recite subject matter similar to the claims currently pending in the application.

In the April 20, 2005 Office Action, the Examiner rejected claims 20-37, 39, and 40 under 35 U.S.C. § 103(a) as being unpatentable and obvious over United States Patent 5,970,143 (“Schneier et al.”) in view of United States Patent 6,001,065 (“DeVito”). The applicants respectfully traverse the rejection.

With specific reference to claim 20, amended claim 20 recites a combination of elements including, for example, “at least one biometric signal input to receive biometric information from a second group of users, the second group of users selected from a group of users consisting of: all the first group of users, at least one of the first group of users, or none of the first group of users; an event generation engine, the event generation engine uses the at least one biometric signal input to generate the event sequence,” which is not disclosed, suggested, or taught by the references. Conversely, Schneier et al. does not relate to a processor based game where the *game input* is a biometric signal. Rather than a game input, Schneier et al. uses biometric information as a key code, similar to a password, to unlock and allow access to the overall game play and/or uses biometric information to authentic results. In other words, the biometric information is not used by Schneier et al. by the event generation engine as recited above but rather either before or after the game play is complete to authentic information. For example, referring to Schneier et al. at column 13 lines 5-7, it states the “biometric data stored in memory area 35 is used for *player verification*, which is described in greater detail below.” (emphasis added). See also column 22, lines 18-22,

stating: “To preclude player substitution, biometric identification devices such as fingerprint reader, voice recognition system, retinal scanner and the like, may be used to provide absolute player identity verification at the game computer 14.” In these examples and the rest of the disclosure, Schneier et al. only discloses using the biometric information *after* the game is finished to verify the player and result. To the extent the Examiner relies on Schneier et al. to disclose a game platform that uses biometric information to influence event sequences, the applicants respectfully suggest the Examiner is reading much more into the reference than it actually discloses.

The fact that Schenier et al. is not used to provide game input is exemplified by the preferred biometric information it uses. For example, referring to column 24, line 53, to column 25, line 5, to which the Examiner specifically refers for the biometric input, Schenier et al. discloses using “fingerprint or voice print data.” Fingerprints, and to a lesser extent voice prints, are static inputs. Thus, they would not influence game play as they do not change. Conversely, the present invention relates to biometric input such as, for example, skin resistance, variable heart rate, and the like, which are very dynamic inputs. Moreover, the passage referenced by the Examiner once again relates to authentication, such as, for example, digital signatures. The digital signature is used after play has been completed to verify or authentic results.

Finally, while Schenier et al. does relate to multiplayer use, the multiplayer use is strictly using conventional game input and output devices. Again, once game play is completed, each individual player provides biometric verification for the individual score. Thus, there is no suggestion of using multiplayer biometric information as a game input.

Devito does not cure the defects of Schenier et al. noted above. Rather, Devito discloses a system where a conventional game controller is operated using EEG signals. The controller is connected to the game playform to influence the game play in the conventional manner. Because the only input to the video game 70 is from the conventional game controller 71, Devito cannot disclose, teach, or suggest “at least one biometric signal input to receive biometric information from a second group of users,

the second group of users selected from a group of users consisting of: all the first group of users, at least one of the first group of users, or none of the first group of users; an event generation engine, the event generation engine uses the at least one biometric signal input to generate the event sequence” as recited by amended claim 20. Rather, the events are generated only by the game controller input 71. Moreover, DeVito is completely silent regarding multiplayer use.

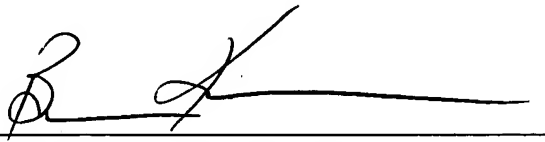
For all the foregoing reasons, amended claim 20 is patentably distinct from Schneier et al. and DeVito either alone or in any reasonable combination thereof.

Amended claim 33 and new claim 43 recite limitations similar to amended claim 20 and, at least by virtue of the similarities are patentably distinct from Schneier et al. and DeVito either alone or in any reasonable combination thereof. The remaining claims depend directly or indirectly from claims 20, 33, and 43 and, at least by virtue of the dependency, are patentably distinct from Schneier et al. and DeVito either alone or in any reasonable combination thereof.

Thus, withdrawal of the rejection and allowance of the claims is respectfully requested.

If an extension of time under 35 C.F.R. § 1.136 is required to obtain entry of this Amendment, such an extension is requested. If there are fees due under 37 U.S.C. §§ 1.16 or 1.17 which are not otherwise accounted for, please charge our Deposit Account No. 08-2623.

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